

Department of Correction

Testimony of Brian K. Murphy, Acting Commissioner

Judiciary Committee

Raised Bill No. 5524, *An Act Concerning Criminal Records and Sentence Review*

March 19, 2010

Good morning, Senator McDonald, Representative Lawlor and members of the Judiciary Committee. The Department of Correction would like to express some reservations for the record pertaining to Raised Bill 5524, *An Act Concerning Criminal Records and Sentence Review*.

The Department of Correction understands the intent of the change in this statute but has concerns regarding the feasibility of its application if it were enacted. The agency believes that further review is necessary before it can express an opinion as to whether it may affect the Department's ability to fully perform its mission.

This need for further examination is due to two factors. First, the Department is one of six correctional agencies in the country that oversees not only sentenced inmates but also offenders held on pre-trial status. As such, the agency's records involving these individuals frequently contain non conviction information, whether as a result of a discharge on bond, a nolle, or a variety of other potential outcomes. This non conviction information becomes a part of the historical record of these individuals. Requiring any degree of erasure or effort to complete the record with the final outcome of the non conviction information, would prove extremely costly and time consuming.

Additionally, the agency's main computer based inmate data system is nearly 40 years old and is already stretched to its technological limits. Here too the Department has concerns that a mandate to sequester in any way non conviction information from the data base would likely not be possible.

The agency is having its legal and sentence calculation experts continue to review this proposal, but felt it important at this point to express its concern.